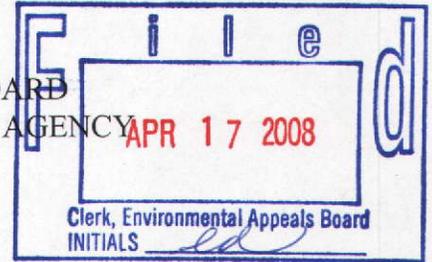


BEFORE THE ENVIRONMENTAL APPEALS BOARD
UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
WASHINGTON, D.C.



In re:)

BHP Billiton Navajo Coal Company)

NPDES Permit No. NN0028193)
_____)

) NPDES Appeal No. 08-06

ORDER GRANTING REGION'S MOTION FOR EXTENSION

Before the Environmental Appeals Board ("Board") are two requests for a two-week extension of time to file a Petition for Review of the final NPDES Permit issued by U.S. EPA Region 9 to BHP Billiton Navajo Coal Company ("Final Permit"). By order, on April 15, 2008, the Board requested EPA Region 9 to inform the Board of its position on the extension by close of business on Wednesday, April 16, 2008. *See* Order Requesting Region's Position on Extension (Apr. 15, 2008). On April 16, 2008, Region 9 moved the Board for an extension of time to respond to the Board's request.

For good cause having been shown, Region 9's motion is GRANTED. The Region may respond to the Board's Order requesting the Region's position by close of business, April 18, 2008.

So Ordered.

Date: 4/17/08

ENVIRONMENTAL APPEALS BOARD

Kathleen A. Stenfor Edward E. Reich

Edward E. Reich

Environmental Appeals Judge

CERTIFICATE OF SERVICE

I hereby certify that copies of the foregoing Order Granting Region's Motion for Extension in the matter of *BHP Billiton Navajo Coal Company*, NPDES Appeal No. 08-06, were sent to the following persons in the manner indicated.

By Facsimile and Certified Mail Return Receipt Requested:

Jeffrey Stant
Director PPW Project / Safe Disposal Act
Clean Air Task Force
217 South Audubon Road
Indianapolis, IN 46219
Fax: 317-351-1170

By Certified U.S. Mail, Return Receipt Requested:

Mike Eisenfeld
San Juan Citizens Alliance
108 North Behrend, Suit I
Farmington, NM 87402

Lori Goodman
Dine CARE
1022 Main Avenue
Durango, CO 81302

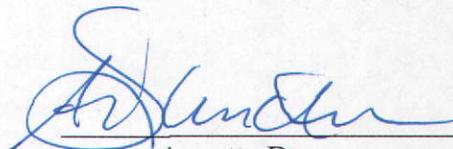
By Facsimile and Pouch Mail:

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APR 17 2008

Dated: _____



Annette Duncan
Secretary